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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CALIFORNIA PACIFIC BANK,
a California banking corporation,

Plaintiff,

vs.

BANK OF AMERICA, N.A.,
and DOES 1-20, inclusive.

Defendants.

Docket No. C07-03330 JCS

**[PROPOSED]
ORDER DENYING BANK OF AMERICA'S
MOTION TO DISMISS**

ORDER

The motion of defendant Bank of America, N.A. ("Bank of America"), to dismiss the complaint of plaintiff California Pacific Bank, came on regularly for hearing before this Court on September 21, 2007, the Honorable Joseph C. Spero, presiding.

The Court, having read and considered all papers submitted in support of, and in opposition to, the motion, and having heard and considered the arguments made by counsel for the respective parties at the hearing,

IT IS HEREBY ORDERED that Bank of America's motion to dismiss is DENIED.

Dated

JOSEPH C. SPERO
United States Magistrate Judge